

AUTHENTIC COPIES
OF A
DECLARATION
OF
THE RIGHTS OF ENGLISHMEN;
A
BILL FOR A REFORM
IN
PARLIAMENT:

AND
A LETTER TO LIEUT. COL. SHARMAN,

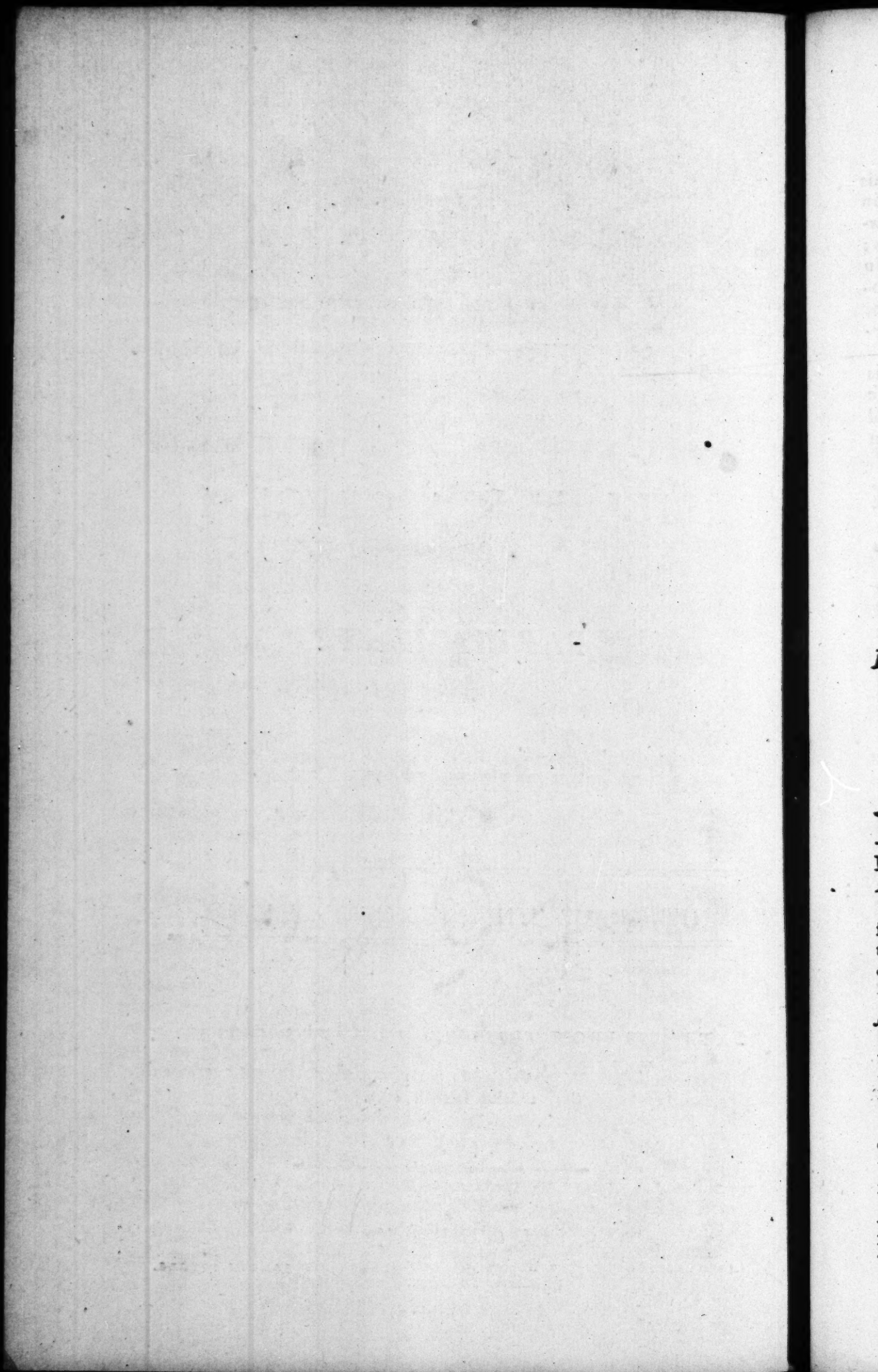
BY
HIS GRACE THE DUKE OF RICHMOND.

TO WHICH IS SUBJOINED,
EXTRACTS FROM THE SPEECH OF THE RIGHT HON.
WILLIAM PITT, ON A REFORM OF
PARLIAMENT.

LONDON:

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1794.



A

DECLARATION

OF THE

RIGHTS OF ENGLISHMEN,

Declaration of those Rights of the Commonalty of Great-Britain, without which they cannot be FREE.

IT IS DECLARED,

FIRST, That the Government of this Realm, and the making of laws for the same, ought to be lodged in the hands of King, Lords of Parliament, and Representatives of *the whole Body* of the Freemen of this Realm.

Secondly, That *every Man* of the commonalty (excepting infants, insane persons, and criminals) is of common right, and by the laws of God, a *free man*, and entitled to the full enjoyment of *liberty*.

Thirdly, That Liberty or Freedom consists in having *an actual share* in the appointing those who frame the Laws, and who are to be the guardians of every man's life, property, and peace. For, the *all* of one man is as dear to him as the *all* of another; and the poor man has an *equal* right, but more need, to have representatives in the legislature than the rich one.

Fourthly, That they who have *no voice nor vote* in the electing of representatives, *do not enjoy* liberty; but are absolutely *enslaved* to those who *have* votes, and to their *representative*: for to be enslaved, is to have governors whom *other men have set over us*, and to be subject to laws *made by the representatives of others*, without having had representatives of our own to give consent in *our* behalf.

Fifthly,

Fifthly, That a *very great* MAJORITY of the Commonalty of this Realm are denied the privilege of voting for Representatives in Parliament; and consequently, they are enslaved to a *small number*, who do now enjoy this privilege exclusively to themselves; but who, it may be presumed, are far from wishing to continue in the exclusive possession of a privilege, by which their fellow-subjects are deprived of *common right, of justice, of liberty*; and which, if not communicated to all, must speedily cause *the certain overthrow* of our happy constitution, and enslave us all.

And sixthly, and lastly, We also say, and do assert, that it is *the right* of the Commonalty of this Realm to elect a *new* House of Commons once in *every year*, according to ancient and sacred laws of the land: because, whenever a Parliament continues in being for a *longer term*, very great numbers of the Commonalty, who have arrived at the years of manhood since the last election, and *therefore* have a right to be actually represented in the House of Commons, are then *unjustly deprived* of that right.

Judge Blackstone, in the second chapter of the first book of his Commentaries, speaking of Parliaments, says,

It is a matter most essential to the liberties of this kingdom, that such Members be delegated to this important trust, as are most eminent for their *probity*, their *fortitude*, and their knowledge: for it was a known apothegm of the great Lord Treasurer Burleigh, "That England could never be ruined but by a Parliament;" and as Sir Matthew Hale observes, this being the highest and greatest Court, over which none other can have jurisdiction in the kingdom, if by any means a *misgovernment* should any way fall upon it, the subjects of this kingdom are left without all manner of remedy. To the same purpose the President Montesquieu presages, that as Rome, Sparta, and Carthage, have lost their liberty and perished, so the Constitution of England will in time lose its *liberties*, and *perish*; it will perish whenever the *legislative* power shall become more *corrupt* than the executive.

The above is recommended to the attention of the people of England, to admonish them to keep vigilant watch over the acts of their Representatives, and to mark their alarming consequences,

The great Locke says (as quoted by Blackstone), "There remains still inherent in the people, a supreme power, to *remove* or *alter* the legislative, when they find the legislative act *contrary* to the trust reposed in them: for when such trust is *abused*, it is thereby forfeited, and devolves to *those* who gave it."

A BILL ENTITLED,

An Act for declaring and restoring the natural, unalienable, and equal Right of all the Commons of Great-Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted, to vote in the Election of their Representatives in Parliament : For regulating the manner of such Elections : For restoring annual Parliaments : For giving an hereditary Seat to the Sixteen Peers, which shall be elected for Scotland : And for establishing more equitable Regulations concerning the Peerage of Scotland.

WHEREAS the life, liberty, and property of every man is or may be affected by the law of the land in which he lives, and every man is bound to pay obedience to the same.

And whereas, by the constitution of this kingdom, the right of making laws is vested in three estates of King, Lords, and Commons, in Parliament assembled, and the consent of all the three said estates, comprehending the whole community, is necessary to make laws which bind the whole community.

And whereas the House of Commons represents all the Commons of the realm, and the consent of the House of Commons binds the consent of all the Commons of the realm, in all cases on which the legislature is competent to decide.

And whereas no man is, or can be actually represented who hath not a vote in the election of his Representative.

And whereas it is the right of every Commoner of this realm (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the Representative who is to give his consent to the making of laws by which he is to be bound.

And whereas the number of persons who are suffered to vote for electing the members of the House of Commons do not at this time amount to *one sixth* part of the whole commons of this realm, whereby far the greater part of the said commons are deprived of their right to elect their Representatives ; and the consent of the majority of the whole community to the passing of laws is given by persons whom they have not delegated for such purpose ; and the majority of the said community are governed by laws made by a very small part of the said community, and to which the said majority have not in fact consented by themselves, or by their Representatives.

And whereas the state of election of members of the House of Commons hath in process of time so grossly deviated from its simple and natural principle of representation and equality, that

in several places the members are returned by the property of *one man*; that the smallest boroughs send as many members as the largest counties; and that a majority of the representatives of the whole nation are chosen by a number of voters not exceeding *twelve thousand*.

Now for remedy of such partial and unequal representation, and of the many mischiefs which have arisen therefrom; and for restoring, asserting, and maintaining the *rights* of the commons of this realm, be it declared and enacted, and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, *That every Commoner of this realm* (excepting only infants, persons of insane mind, and criminals incapacitated by law) *have a natural, unalienable, and equal right to vote in the election of his Representative in Parliament.*

And whereas it was accorded by statute in the fourth year of the reign of King Edward the Third, "that a Parliament should be holden every year once, and more often if need be;" which statute was confirmed by another statute passed in the 36th year of the reign of the said King Edward the Third: And the practice in ancient times was for writs to issue for the election of a new Parliament every year.

And whereas frequent elections are indispensably necessary to enable the Commons to alter and amend the choice of their Representatives as they may see occasion; and such elections ought to be as frequent as may be, consistent with the use of a representative body: and the ancient practice of annual elections is well calculated for such purpose.

And whereas triennial and septennial Parliaments, by rendering the exercise of the right of election less frequent, tend to make the Representatives less dependent on their constituents than they always ought to be; and also deprive the Commons for many years after they come of age of their franchise of electing their own representatives; Be it declared and enacted by the authority aforesaid, *That the election of members to serve in the House of Commons ought to be annual.*

And whereas, in order to reform the manifold abuses which in process of time have been suffered to take root in the manner of electing the Representatives of the Commons, and in order to establish a free, true, and equal representation of all the people, it is necessary that all the laws respecting the election of members of Parliament not applicable to the present intended reform should be repealed and annulled, and that the manner of electing the Commons in Parliament, and all matters and things respecting the same, be new modelled according to the present state of the kingdom, and to the ancient and unalienable rights of the people. Be it enacted by the authority aforesaid, That all future elections for Representatives of the Commons of Great-Britain in Parliament shall be made according to the provisions and regulations of this act, and not otherwise; and that all other acts, laws, customs, and usages contrary thereto, or such parts of them as are inconsistent

o together with a constitutional duration of parliaments not in conformity with public liberty and the English constitution.

inconsistent therewith, shall be, and the same are hereby repealed, annulled, and made void to all intents and purposes whatsoever.

And be it further enacted, That the number of members to sit in the House of Commons shall remain and be the same as at present, and shall consist of *five hundred and fifty-eight members*.

And whereas the due proportion of Commoners to elect each member of Parliament can be properly determined but from a knowledge of the whole number of commoners in the kingdom having a right to vote; Be it enacted, That in order to ascertain the same, this act shall forthwith be transmitted by one of his Majesty's principal Secretaries of State to the Minister of each parish, and likewise to each acting Justice of the Peace, in Great Britain; And each of the said Ministers shall read, or cause to be read, the said act in his parish church immediately after divine service and before the sermon every Sunday in the month of November next; And each of the said Justices of the Peace within their respective districts shall diligently enquire on every Sunday in the said month of November next, whether the several Ministers have read this act accordingly; and if it shall be found that any Minister shall have neglected so to do, the Justice of the Peace finding such neglect, shall cause this act to be read by some other person on the next Sunday in such parish church in manner aforesaid.

And be it further enacted, That on the first of December next the Minister of each parish, together with the Churchwardens and Overseers of the poor, shall hold a vestry at the church in the said parish, which shall open at eight o'clock in the forenoon, and shall close at six o'clock in the afternoon of the same day, at which all persons, not belonging to the Royal Navy, or serving in the embodied Militia or Army, and being on that day in the said parish, shall have liberty to attend. And the said Minister, Churchwardens, and Overseers shall make out a true and correct list of the christian and surname, trade, occupation, age, and the usual place of dwelling, of all the men of the age of 21 years and upwards, who on that day shall be in their respective parishes, and who shall appear and claim a right to vote for the election of members of Parliament, and shall subscribe and take the following oath before the said Ministers, Churchwardens, and Overseers, who are hereby enabled and required to administer the same, viz. "I A. B. do swear, that I am a natural born subject of Great-Britain, that I am of the age of twenty-one years, that I am not serving in the embodied militia, nor belonging to the royal navy or army, and that I have not this day been to claim my right of voting for the election of a Member of Parliament, or have been sworn for the same before, in this or any other parish or place, so help me God." And such lists so made out shall be certified, under the signature and seal of the said Minister, and of each of the Churchwardens and Overseers, who shall attend such vestry, to be a true and correct list; and a copy of the same shall be taken and preserved by such Minister and by each of the said Churchwardens and Overseers; and such original list, together with all the copies of the same, shall on the 15th day of December next, be carried

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by such Minister, Churchwardens, and Overseers, to the Justices of the Peace, who are hereby required to hold petty sessions on that day within their respective divisions, and such lists and copies shall then and there be sworn to as true and correct, before such Justices of the Peace, by such Minister, Churchwardens, and Overseers; and their respective affidavits shall be certified on the said list by such Justices of the Peace. And such original list, so sworn to, shall by such Justices of the Peace be transmitted to the Clerk of the Peace of their respective counties, or to the Town Clerk in cities which are counties of themselves, so that such Clerk of the Peace or Town Clerk may receive them on or before the first of January next. And the said Clerks of the Peace and Town Clerks shall transmit the said lists to one of his Majesty's principal Secretaries of State, so that he may receive them on or before the 20th of January next. And one of the said Secretaries of State shall forthwith send the said lists to the twelve Judges, who shall meet in the Exchequer chamber on the 21st of January next for the purpose of receiving such lists.

And be it enacted, That the said twelve Judges, then and there assembled, shall divide the total number of persons so returned by the number five hundred fifty-eight, being the number of members to be chosen; and the quotient found shall be adjudged to be the number of persons having a right to elect one member of Parliament. And the said Judges shall then proceed to compute from the said lists the number of persons who have a right to vote in each county, or city being a county of itself, in Great-Britain; and shall determine the number of members to be elected by each county, or city being a county of itself, in proportion (or as near as may be) to such number of electors in each county or city, giving the advantage to the smaller counties or cities where the numbers will not admit of exact division. And the said Judges having so determined the number of members to be returned by each county, and city being a county of itself, and the number of electors to chuse one member, shall, on or before the 1st of February next, transmit an account thereof to the Lord High Chancellor of England.

And be it enacted, That the said Lord High Chancellor shall, within four days after receiving such account, issue his writ to the High Sheriff of each county, and to the Chief Magistrate in each city, which is a county of itself, in Great Britain, directing him to summon a grand jury consisting of all such persons then living as have been heretofore summoned on grand juries at the assizes in his county, to meet at eight o'clock in the forenoon, on the 10th of March next, at the usual place of holding the summer assizes for his county; and likewise the Minister, Churchwardens, and Overseers of each parish within his county, to attend the said grand jury. And the said Chancellor shall transmit to the said High Sheriff and Chief Magistrate an account of the number of members, to be returned by his county, and of the number of electors to chuse one member; which account the said Sheriff and Chief Magistrate shall deliver, or cause to be delivered, to the said grand jury when assembled.

And

And be it enacted, That on the 10th of March next, the said High Sheriff of each county, and Chief Magistrate of each city, which is a county of itself, in Great Britain, shall attend, and be foreman of, the said grand jury: or in case of unavoidable absence another person shall be chosen as foreman by the said grand jury; and such foreman is hereby authorized and required, first to take, and then to administer to every person summoned, and who shall attend the said grand jury, the following oath: "I A. B. do swear, that in the allotment of the several parishes, or parts of parishes, into districts for the election of members of Parliament within this county, I will act according to the best of my judgment and discretion, fairly and equally, and for the conveniency of the said districts, so help me God." And the said grand jury shall then proceed to distribute into districts the several parishes of their country. And each district shall consist (as nearly as may be) of such number of persons, having a right to vote as are allotted to chuse one member of Parliament according to the lists made out in such parishes, which will appear by the duplicates preserved by the Ministers, Churchwardens, and Overseers, who are hereby required to attend such grand jury with such duplicates. And where parishes shall be greatly too large or too small to form districts of themselves, such parishes may be divided or joined either in whole or in part with other contiguous parishes, for the purpose of forming districts as aforesaid, according to the judgment and discretion of the said Grand Jury. And the said Grand Jury having so divided their country into districts, the same shall be adjudged to be and be called *boroughs*: And the said Grand Jury shall affix to each borough the name of the principal parish in such borough. And the said foreman shall return into the court of Chancery, so that it may arrive there on or before the 1st of April next, a list of such boroughs within his county, certified under the hands and seals of the said foreman and of all the members who attend the said Grand Jury; and such certificate shall be in the following form: "We, whose names are hereunto subscribed and seals affixed, the Foreman and Grand Jury of the county of _____ assembled on the 10th of March 178 _____ in pursuance of an act passed in the _____ year of his present Majesty's reign, entitled An Act, &c. do certify that the above distribution is an equal division of the said county, into districts as directed by the said act, or as nearly so as the circumstances of this county would admit."

And be it enacted, That each of the said boroughs in Great Britain shall be entitled in all future elections to elect one member to serve in the Commons House of Parliament, and no more. And each member so elected shall be called a burgess. And the said burgesses shall constitute and form the House of Commons in Great Britain. And no county, city, or borough (other than is directed by this act) shall in future be entitled to send any knight, citizen, or burgess of Parliament.

And be it enacted, That the Lord High Chancellor having received the returns herein before directed, to be made to him by the said foreman of Grand Juries, shall, on or before the 15th of April

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April next, issue his writ to the High Sheriff of each county, and to the Chief Magistrate of each city, being a county of itself in Great Britain, for the election of one member to serve in Parliament for each of the several boroughs within his county or city : And the form of the said writs shall be such as is annexed to this act. And the said High Sheriff and Chief Magistrate shall, within four days after the receipt of the said writ, issue his precept to the Head Constable or senior Peace officer, for the time being, of each borough within his county or city, (who is hereby appointed returning officer of such borough) for the election of one member to serve in Parliament for the said borough ; and the form of the said precept shall be such as is annexed to this act.

And be it enacted, That the returning officer of each borough shall on the 15th of May next cause proclamation to be made in each parish within his borough, that the day fixed for chusing a new Parliament is the first of September following ; and that every person, intending to offer himself as a candidate for the said borough, and duly qualified by law, is to send to him the said returning officer a declaration in writing, signed by such person, of his being a candidate to represent the said borough ; so that he the said returning officer may receive the same on or before the 15th of June next. And the said returning officer shall, on the 16th of June next, cause the said declaration or declarations to be proclaimed in every parish within his borough, and a copy thereof, attested under his signature, to be affixed on the door of the church of every parish within his borough ; or in case he shall not have received any such declaration he shall make proclamation that there are no candidates for the said borough. And it shall and may be lawful for the inhabitants of such borough to assemble in their respective parishes on the 17th of June next, to consider of the candidates (if any) who offer, and to declare any other candidate or candidates they may think proper, by writing addressed to the returning officer and signed by not less than one hundred of the said inhabitants ; provided such declaration be delivered to the said returning officer before six o'clock in the evening on the said 17th day of June next, and that the qualification of such candidate or candidates to sit in Parliament be situate within the said borough. And the said returning officer shall, on the 18th of June next, cause a list of all such candidates, distinguishing those who offer themselves from those who are set up by the inhabitants, to be proclaimed in every parish within his borough, and likewise a copy of such list attested under his signature to be affixed on the door of the church of every parish within his borough. And the said returning officer shall on the said 18th of June next, transmit by the post to one of his Majesty's principal Secretaries of State, a list of such candidates ; and one of the said Secretaries of State shall cause the same to be inserted in the Gazettee on or before the 15th of July next. And no other person shall thereafter become a candidate for such borough at such election.

And be it enacted, That every person who shall be so declared by one hundred of the inhabitants of any parish to be a candidate for the borough in which such parish is situate, and whose qualification

fication shall at the time of such declaration be situate within the said borough, shall, if chosen, be compellable to attend Parliament like other members. Provided always that no person having served for one Parliament shall be compellable to serve again.

And be it enacted, That the senior peace officer for the time being of each parish shall act as deputy to the returning officer of the borough in which such parish is situate, and shall in all things respecting this act pay due obedience to such directions as he shall receive from the returning officer, and previously to his acting as his deputy shall take the following oath before the said returning officer, "I A. B. will faithfully and honestly discharge my duty as deputy to the returning officer of the borough of _____ in the election of a Member of Parliament, so help me God," which oath the said returning officer is hereby authorized and required to administer.

And be it enacted, That on the first of September next the senior officer in each parish throughout the kingdom of Great-Britain shall make proclamation at eight o'clock in the forenoon, at the church of the said parish, that he is immediately proceeding to the election of a member to serve in Parliament for the borough in which such parish is situate; and that such election will close at six o'clock on the same evening. And such senior peace officer shall then declare the names of such persons as are legal candidates for such borough, and read or cause to be read the clauses in this act, which inflict penalties on persons who shall be found guilty of perjury, bribery, corruption, or other offences, against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of a Member of Parliament. And the said senior peace officer shall then proceed to collect the votes, by taking a poll in such manner, as is herein after directed, of all such men as shall on that day be in the said parish and shall offer themselves to vote. And such poll shall continue open until six o'clock in the afternoon of the same day and no longer. And every man offering himself to vote, shall give an account of his christian name, surname, trade or occupation, and usual and last place of abode, and shall sign his name or make his mark opposite to an entry thereof which shall be made in a book to be provided by the senior peace officer for such purpose. And every man offering himself to vote shall take the following oaths which the said officer is hereby authorized and required to administer; "I A. B. do swear that I am a natural born subject of Great Britain, that I am twenty one years of age, that I have not on this day voted before in this parish or in any other parish or place for the election of a Member of Parliament: that I am not an officer, non-commissioned officer, warrant officer, drummer, or private man in the embodied militia, navy or army: and that my christian name, surname, trade, occupation, and usual and last place of abode is such as by me now declared, so help me God." And every man offering himself to vote shall further take such oath or oaths as are, or may be enacted against bribery and corruption. And every man whatever (not of insane mind or a criminal incapacitated by law) offering himself to vote in any parish, who shall have

have given an account of himself as aforesaid, and shall have taken the aforesaid oaths, shall be admitted to vote at such elections for such legal candidate as he shall think fit.

And be it enacted, That in case the said senior peace officer shall have cause to suspect that any person voting at such election is not entitled so to vote according to the true intent and meaning of this act, or shall be requested by any of the candidates or by any of their agents to place a quere opposite to the name of any voter such officer shall enter into the poll-book a quere opposite to the name of such voter, with the reason of such quere, but shall not refuse to take the vote of any man who shall have signed the book and taken the oaths aforesaid; and the validity of such quered vote shall afterwards be determined, upon petition, by the committee of the House of Commons, to which such election shall be referred. And such peace officer shall on the day next after the election deliver to the returning officer of his borough the poll-book so taken. And the senior peace officer of every parish shall provide a sufficient number of clerks to aid and assist him in taking the said poll — And the Justices of the peace in their quarter sessions, to be held next after such expence for the hire of the said clerks and the purchase of the said books shall have been incurred, shall allow the same, or so much as they shall deem reasonable, and such expences so allowed shall be paid by the treasurer of the county out of the county rates.

And whereas men serving as officers, non-commissioned officers, warrant officers, drummers, or private men in the embodied militia, navy or army, may at the time of election be assembled together in large bodies in places distant from their respective parishes, and if suffered to vote like other subjects for whatever borough they may chuse, might combine together under improper influence and vote in bodies, and thereby decide the election in places to which they do not belong, and where they have no connection, to the prejudice of the inhabitants of such places; and of the kingdom at large;—And whereas it would be unjust that men who expose their lives for the defence of their country should be deprived of those essential rights which are by this act restored to every subject. Be it enacted, for the preservation of such rights, and for the prevention of such inconveniencies, That every officer, non-commissioned officer, warrant officer, drummer, and private man in the embodied militia, navy or army, shall be entitled to vote for the election of a member to represent him in Parliament, in the manner herein after directed, and not otherwise.

And be it enacted, That every officer, non-commissioned officer, warrant officer, drummer, and private man in the navy or army; and every officer, non-commissioned officer, and drummer of militia when embodied, shall (if he shall think so fit) as soon as he shall arrive, or be in any port or place within this kingdom, go before and be examined upon oath by a Justice of the peace touching the place of his last settlement if in England, or of his birth if in Scotland; and such Justice of the peace shall for the purpose of this act adjudge the same accordingly, and give a certificate of such adjudication to the commanding officer of

of the ship, or corps to which such man belongs; and when any man shall enter or enlist, or receive a commission in the militia, navy or army, a similar proceeding in respect to such man shall be had if required; and the said commanding officer shall, from time to time, within eight days after the receipt of any such certificate from a Justice of the peace, transmit the same to the office of Admiralty or War office; and such certificate shall be filed and kept in the said office as matter of record. And the board of Admiralty or Secretary at War shall, within one month after the receipt of such certificate, cause a copy thereof attested by the Secretary or chief Clerk of the said office to be transmitted to the parish to which such man is adjudged to belong. And in case any man shall be removed or drafted from one ship or corps to another, an account of such removal shall in like manner be certified to such parish; and all such certificates so transmitted to such parish shall be preserved in a chest in the church of such parish.

And be it further enacted, That every officer, non-commissioned officer, warrant officer, drummer, or private man in the navy or army, shall be entitled to vote for the election of a member of Parliament only for the borough in which the parish to which he has been so adjudged to belong is situate; And every officer serving in the militia, who shall have delivered in to the clerk of the peace his qualification, shall, during the time he is embodied, be entitled to vote for the election of a member of Parliament only in such borough where such qualification, or the greater part thereof, is situate; And every other officer, non-commissioned officer, and drummer of militia, shall during the time he is embodied, be entitled to vote for the election of a member of Parliament only in such borough in which the parish he shall have been so adjudged to belong is situate; And every private militia man, while he is embodied, shall be entitled to vote for the election of a member of Parliament only for the borough in which the parish he shall then be serving for is situate. And the Clerk of the peace in each county where the militia is or shall be raised, shall on the first of August next, make out a certificate of the qualification delivered to him of each officer who shall then be serving in the embodied militia, and shall sign and transmit the same to the senior peace officer of the parish in which the said qualification, or the major part thereof, is situate.

And be it enacted, That as soon as the list of candidates shall appear in the Gazette, every officer, non-commissioned officer, warrant officer, drummer, and private man in the embodied militia, navy or army, who shall at that time be residing in Great-Britain, or be in any port within the kingdom, shall, within twenty-six days after the said publication in the Gazette, (that is on or before the 10th of August next) having a right to go before a Justice of the peace, and give his vote in favour of any person who is a legal candidate for such borough as he is entitled to vote. And the said Justice of the peace shall read to such person a list of the candidates for the borough for which he shall claim a right to vote, as published in the Gazette; and also the clauses in this act which inflict penalties on persons who shall be found guilty

of perjury, bribery, corruption, or other offences against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of a member of Parliament; and shall likewise administer to such persons the following oath—"I A. B. do swear that I am a natural born subject of Great-Britain, that I am twenty-one years of age, that I am an officer, non-commissioned officer, warrant officer, drummer, or private man in the embodied militia, navy or army (*as the case may be, specifying the ship or corps to which such person belongs*) and that I have not before voted for any other place than that for which I now claim a right to vote." And likewise such oath or oaths as are, or shall be enacted against bribery and corruption. And such Justice of the peace shall then take an account of the name, rank, and corps of such person, and of the candidate for whom he shall vote; which account shall be subscribed and sworn to by such person, and certified by such Justice of the peace, who shall by the next post transmit the same to the returning officer of the borough for which such person shall vote, such person paying to the clerk of the said Justice of the peace one shilling for the same, and no more. And the returning officers of the several boroughs shall not be chargeable with any duty of postage for letters containing such certificates.

And be it enacted, That one of his Majesty's principal Secretaries of State shall cause the Gazette or Gazettes, containing the said list of candidates, to be transmitted, as soon as published, to every acting Justice of the peace within the kingdom.

Provided always, That nothing in this act contained shall deprive or be construed to deprive any person belonging to the militia when disembodied, from voting in such borough as he shall think fit, in the same manner as all other commoners are by this act, enabled to do.

And be it enacted, That the said returning officer shall, immediately after having received the poll-books, proceed with the assistance of the peace officers who have taken the poll books, to examine the said poll books, together with such certificates as shall have been made to such returning officer from Justices of the Peace of the votes given by persons in the embodied militia, navy and army, for his borough; and shall compare such certificates of votes with the certificates before transmitted from the Admiralty, or War-office of the adjudications respecting such right of voting; and with the certificates of the clerks of the peace concerning the qualification of officers of militia: And such of the said votes as shall appear to the said returning officer to be legal votes, shall be by him admitted as such: And such returning officer shall, within three days after the election, declare that candidate to be duly elected who shall appear from the poll books, and from the certificate votes, to have the greatest number of legal votes in his favour, admitting such as are queried. And the several returning officers shall, immediately after having made such declaration, make their returns to the precepts from their respective High Sheriffs. And the respective High Sheriffs shall immediately after receiving such returns from the returning officers, make their returns

turns to the writs from the Lord High Chancellor. And the Lord High Chancellor shall cause a list of the names of the members who are returned for the respective boroughs, to be published in the Gazette, on or before the first of October next.

And be it enacted, That it shall be lawful for every commoner (possessing a landed qualification as by law directed) to offer himself as a candidate for any borough within the kingdom, and for as many boroughs as he shall think proper; and if any candidate is returned a member for more than one borough, such member shall, within fourteen days after the list of members returned shall have been published in the Gazette, make his option in writing, directed to the Lord High Chancellor of England, of the place for which he chuses to serve. And the Lord High Chancellor shall forthwith issue a new writ for a new election for that borough, or those boroughs, for which such member hath not made his option to serve. And in case any vacancy shall happen for any borough previous to the election of a speaker of the House of Commons, the Lord High Chancellor shall issue his writ for filling up such vacancy; and in case any vacancy shall happen for any borough after a speaker is chosen, the speaker shall issue his warrant for filling up such vacancy.

And be it enacted, That when any vacancy for a borough is to be filled up, such persons only as by the poll books or certificates shall appear to have actually voted at the last general election in or for the borough where such vacancy shall happen, shall have a right to vote at the election occasioned by such vacancy.

And be it enacted, That the House of Commons, so chosen, shall meet every year, when summoned by his Majesty's proclamation for the dispatch of business: That all petitions concerning undue returns shall be presented the first day of the sessions: That the House of Commons, immediately after swearing their members, shall proceed to chuse Committees, as by law directed, to decide elections against which petitions shall have been presented; That no other business shall be proceeded on until all the said controverted elections shall be decided: that several Committees may proceed at the same time on different elections; that the house shall sit and be called over every day until Committees for all contested elections shall be formed; that no Committee shall be allowed to sit longer than three days for the determination of any one election; that no counsel for any of the parties shall be allowed to speak after the first day; and that the witnesses shall be examined by the Committee and not by the counsel.

And be it declared and enacted by the authority aforesaid, That the House of Commons so elected shall be taken and reputed to be the only true representatives of all the Commons of Great Britain, and shall by the consent of the said representatives, or by the majority of them bind the consent of all the Commons of Great Britain, in all matters and things on which the said House of Commons is competent to decide, and to the passing of all such laws as parliament hath a right to enact.

And be it further enacted, That the House of Commons so chosen, shall continue and be the representatives of the Com-

*If a person
be returned
for more
boroughs, he
must, to make
his option*

*How a vacancy
shall be filled
up in parliament*

*who shall
vote in such
vacancies*

*House to meet
only when so
summoned*

*Election
Committee*

*House to be
the true &
representative*

mons of Great Britain for one year only, and no longer; to be computed from the first day of September on which such election shall have taken place. And that on the first day of September in every year, for ever after, (or on the second of September when the first shall fall on a Sunday) all the Commons of Great Britain (excepting only minors, persons of insane mind, and criminals incapacitated by law) shall proceed to the election of new burgesses, in the same manner and form as herein before directed to be observed for the election of burgesses of the year next ensuing.

And whereas the oaths, which by this act are directed to be taken, for preventing the admission of illegal votes, may not be a sufficient guard against the same, unless the breach of such oaths be attended with punishments adequate to such offences, be it enacted, That in case any person shall be duly convicted of wilful perjury, in falsely taking any of the oaths prescribed by this act, every such person shall be committed to the common goal of the county where such offence shall have been committed, there to remain without bail or mainprize for the space of three years, and be incapable of ever voting again in any borough for the election of a Member of Parliament. Provided always that every prosecution for such offence shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And be it enacted, That no person who has been or shall be duly convicted in a court of law within this realm of the crimes of high treason, treason, murder, felony, perjury, forgery, grand or petty larceny, or any of them, shall be capable of being elected, or of voting for the election of a Member of Parliament in for or any borough within this kingdom.

And be it further enacted, That if any person herein directed to perform or do any matter or thing relative to the carrying this act into execution, shall neglect, or refuse to pay due obedience thereto, in such manner, and at such times, as is, and are herein prescribed, every person so offending shall forfeit the sum of five hundred pounds to any person who shall sue for the same in any of his Majesty's courts of record at Westminster by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed. And in case such offender shall be the Lord High Chancellor, or any of the Judges, or either of the Secretaries of State, or any Clerk of the Peace, he shall, over and above such penalty, be, from the time of such conviction, incapable of ever holding any office of trust or profit. Provided always that every suit, action, or prosecution for such offence, shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And whereas the Peers of Scotland in the Parliament of Great Britain are at present elected for seven years, whereby the said Peers of Scotland are not upon the same footing with the hereditary Peers of England, be it enacted by the authority aforesaid, That the Peers of Scotland shall, on the first day of September next,

next, proceed to the election of sixteen Peers to sit in the Parliament of Great Britain for the kingdom of Scotland, and that such sixteen Peers so elected, and their heirs male succeeding to their peerage, shall, from the time of such election, continue to sit and vote in the Parliaments of Great Britain, as Peers of Scotland, without any new election for such purpose. And when any vacancy shall happen, by the extinction of the male line in any of the peerages belonging to the Peers elected to represent the Peerage of Scotland in the Parliament of Great Britain, such vacancy shall be filled up by a Peer of Scotland, to be chosen by the Peers of Scotland; and the Peer so chosen, and his heirs male succeeding to his title, shall, from the time of such election, continue to sit and vote in the Parliaments of Great Britain, as a Peer of Scotland, without any new election for such purpose.

And whereas Peers of Scotland having a right to sit and vote in the Parliament of Great Britain, whether by election of the Peers of Scotland, or by being also English Peers, ought not to have another vote to be represented in the said Parliament, be it enacted, That no person having a right to sit and vote in the Parliament of Great Britain, either as a Peer of England or of Scotland shall have a right to vote for the election of a Peer of Scotland to sit and vote in the said Parliament of Great Britain. D^o.

And whereas the Peers of Scotland, not elected to sit and vote in the Parliament of Great Britain, will have a more distant prospect of being so elected, when the right of sitting and voting is hereditary in the male line of the families of the Peers so elected, and when there will be no new elections excepting when such peerages in the male line shall become extinct; and it is unreasonable that the Peers of Scotland not elected as aforesaid, should for so long a time be deprived of the capacity, which all other subjects within the realm have of being created Peers of Great Britain, and of being elected members of the House of Commons: And whereas it is also unreasonable that the eldest sons, and heirs apparent, of Peers of Scotland should not be eligible to represent the Commons of Scotland, in the same manner as they, and the eldest sons, and heirs apparent of the Peers of England, are eligible to represent the commons in England, be it enacted by the authority aforesaid, That all Peers of Scotland, as likewise the eldest sons, and heirs apparent, of Peers of Scotland, shall in future be capable of being created Peers of Great Britain, and of sitting and voting in Parliament in consequence of such creation, and that the prior possession of a peerage of Scotland, or being eldest son or heir apparent, of a Peer of Scotland, shall be no bar or hindrance to such new creation. And that all Peers of Scotland, not elected to sit and vote in the Parliament of Great Britain, and the eldest sons, and heirs apparent, of Peers of Scotland, shall be, and they are hereby declared to be capable of being chosen to represent the Commons of Great Britain, for any borough within the realm, in the same manner as other persons not having a right to sit and vote in the House of Lords. And that the possession of such peerage of Scotland, or the being eldest son, or heir apparent, of D^o
a Peer

a Peer of Scotland, shall be no bar or hinderance to such election, in any borough or place within the realm.

Form of the writ to be issued by the Lord High Chancellor, on or before the 15th of April, every year, to the High Sheriff of each county, and to the Chief Magistrate of each city, being a county of itself, in Great Britain.

GEORGE the third, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, and so forth. To the Sheriff of the county (or city) of _____ greeting: Whereas by the advice and assent of our council for certain arduous and urgent affairs, concerning us, the state and defence of our kingdom of Great Britain, and the church, we have ordered a certain parliament to be holden at our city of Westminster, on the _____ day of _____ next ensuing, then and there to treat and have conference with the prelates and great men and peers of our realm, therefore we command and strictly enjoin you, that you cause proclamation of the day and place aforesaid to be made in your next county court to be holden after the receipt of this our writ, and that within four days after receiving this our writ, you issue your precept to the Head Constable or Senior Peace Officer for the time being, of each borough within your county (or city) for the election of one member to serve in Parliament for such borough, directing him, on the 1st of September next, to cause one burgess of the most sufficient and discreet, freely and indifferently, to be elected by those who shall be present at such election, according to the form of an act passed in the _____ year of our reign entitled "An act for declaring and restoring the natural, unalienable and equal right of all the commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their representatives in Parliament; for regulating the manner of such elections; for restoring annual Parliaments; for giving an hereditary seat to the sixteen Peers which shall be elected for Scotland; and for establishing more equitable regulations concerning the peerage of Scotland." And the names of those burgesses so to be elected (whether they be present or absent) you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present at such election and them at the day and place aforesaid, you cause to come in such a manner, that the said burgesses for themselves and the commonalty of the said boroughs, may have from them full and sufficient power to do and consent to those things which then and there by the common council of our said kingdom (by the blessing of God) shall happen to be ordained upon the aforesaid affairs, so that for want of such power, through an improvident election of the said burgesses, the aforesaid affairs may in no wise remain unfinished. Willing nevertheless that neither you nor any other Sheriff of this our said kingdom be in any wise elected. And that the elections, in the full boroughs in your county, so made distinctly and openly under your

your seal and the seals of those who shall be present at such election, you do certify to us in our Chancery, at the place aforesaid, immediately after returns shall have been made to your precepts from the aforesaid head constables or senior peace officers of each borough within your said county (or city), remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster the day of in the year of our reign.

Form of the precept to be issued by the High Sheriff of each county, and by the Chief Magistrate of each city, being a county of itself, in Great Britain, every year, within four days after receiving the writ from the Lord High Chancellor, to the Head Constable or Senior Peace Officer, for the time being, of each borough within his county or city.

—— (to wit) A. B. Esq. Sheriff of the county (or city) aforesaid, To the head constable or senior peace officer of the borough of in my said county (or city) greeting: By virtue of his Majesty's writ under the great seal of Great-Britain to me directed for electing a burghers to serve in the Parliament to be holden at the city of Westminster on the day of next ensuing, for the borough of aforesaid, These are therefore to will and require you that you make proclamation within the said borough of the day of election, and cause freely and indifferently to be elected one burghers of the most sufficient and discreet, by those who shall be present at such election, according to the form of an act passed in the year of our reign, entitled "Act for declaring and restoring the natural, unalienable, and equal right of all the Commons of Great-Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their representatives in Parliament: For regulating the manner of such elections. For restoring annual parliaments. For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland. And for establishing more equitable regulations concerning the Peerage of Scotland." — And the name of the said burghers so elected (whether he shall be present or absent) you cause to be inserted in certain indentures to be made between me and those who shall have interest in such election, and that you cause him to be and appear at his said Majesty's Parliament to be holden at the said city of Westminster, on the said day of next ensuing, so that the said burghers may have full and sufficient power for himself and the commonalty of the said borough to do and consent to those things which of the Common Council of the said realm shall be requisite and necessary to be done. And you are not to elect me or any other Sheriff of Great Britain. And the said election you are forthwith to certify to me, sending to me one part of the said indentures annexed to this precept, that I may certify, the same to his Majesty in Chancery; herein fail not. Given under the seal of my office, this day of in the year of the reign of our sovereign Lord George the Third, of Great-Britain, and so forth, and in the year of our Lord

NOTE.

The Form of the Writs and Precepts still in use, (which is supposed to be very ancient,) has been adhered to as much as possible. And it is remarkable that these writs to the Sheriff still direct, that all the members for the county, and for every city, and for every borough in his county, *shall be elected by those who at the proclamation* (to be made in the county court) *shall be present*, according to the form of the statute in such case made and provided: Indentures are to be made between the Sheriff and *those who shall be present at such election*; the election is to be made in his full county distinctly and openly, and the members are to come in such manner that they may have for themselves, and the commonalty of their respective boroughs, &c. sufficient power to do and consent to things which by the common council of the kingdom may happen to be ordained upon the said affairs (on which Parliament is summoned) so that for want of such power, through an improvident election of them, the said affairs may in no wise remain unfinished.

The precept from the Sheriff also directs the returning Officers of cities and boroughs, that two members shall speedily and indifferently be elected by those who shall be present at the said election, according to the form of the Statute in such case made and provided.

A LETTER

A LETTER

FROM

HIS GRACE THE DUKE OF RICHMOND,

TO

LIEUT. COLONEL SHARMAN.

ON

A PARLIAMENTARY REFORM.

SIR,

I HAVE been honoured with a letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence appointed by the delegates of forty-five Volunteer Corps assembled at Lisburn on the 1st of the same month, "For taking preparatory steps to forward their intentions on the subject of a more equal Representation of the People in Parliament," and signed by their secretary, Henry Joy, jun. Esq.

In this letter, after shewing the corrupt state of the boroughs in Ireland, the general opinion of the people that the constitution can be restored to its ancient purity and vigour by no other means than a Parliamentary Reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the Committee is pleased "to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, Borough Influence, in order to lay my opinion before the provincial assembly of delegates which is to be held at Dungannon, on the 8th of September next."

This great mark of confidence, from gentlemen in whom so much trust is placed, does me great honour; for as I have not the pleasure of being personally known to any of them, I can owe it but to the favourable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

I am sensible that the only proper return I can make for this honourable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man

is under to serve the public as well as he can ; if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of gentlemen.

Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves ; for although I fear I must be long, I am sensible I cannot do it justice.

The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish ; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that *the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections*, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company ; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by your opponents as an argument against all reform ; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns ? And their silence was deemed a proof of their acquiescence and satisfaction in the present form of elections ! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men ; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can or indeed ought to interest them in its favour.

The lesser reform has been attempted with every possible advantage in its favour ; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious

efficacious plan in the same circumstances. From that quarter therefore I have nothing to hope. It is from the people at large that I expect any good. And I am convinced that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear and indisputable rights of universal representation*. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of Parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am also persuaded that if the scheme for additional county members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee nor Mr. Pitt have the detail of their plan. A just reparation would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform appears to me well founded; a few great families might divide a county between them and chuse the members by a house list, like East India Directors. Another difficulty from the increase of the number of Members which might render the house more tumultuous than deliberative, as its weight. But the greatest objection, in my opinion to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented! and its most essential concerns, life, liberty and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county, if that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea without any compass to enable us to distinguish the safe from the dangerous course.

But in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency, but right: If it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle, of *giving to every man his own*, and we shall immediately get rid of all the

perplexities to which the narrow notions of partiality and exclusion must ever be subject.

In the digesting a plan upon this noble foundation we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax bill; and as a proof of this assertion I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780; not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniencies that are suggested, might be got over.

I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

I shall therefore only mention at present a few of its provisions, which I think entirely remove the most plausible objections that have been urged against it.

The present number of Members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to chuse one member; from the best accounts I can now get, it will be about *two thousand and six hundred*; these are to be formed into districts or boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single borough it would be difficult on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual parliaments, by their frequency and by their shortness, would doubly operate in preventing corruption.

The vast expence of petitions to parliament on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification shall be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions, that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections as to place the whole government in

in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence: and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that although the people may be led they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burguge tenure at command.

Another subject of apprehension is, that the principle of allowing to every man an equal right to vote tends to equality in other respects and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strike me as perfectly compatible with their unequal shares of industry, labour and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society; and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect equality in universal poverty.

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government, I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

The

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The vast expence of petitions to parliament on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification shall be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions, that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections as to place the whole government in

in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence: and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that although the people may be led they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burguge tenure at command.

Another subject of apprehension is, that the principle of allowing to every man an equal right to vote tends to equality in other respects and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strike me as perfectly compatible with their unequal shares of industry, labour and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society; and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect equality in universal poverty.

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government, I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

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The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government; that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons; that the House of Lords, in consequence of its exclusion (by the will of the House of Commons, and not by law) from interfering in money bills, no longer in fact exercises the functions of a branch of the legislature; that the only means by which the balance of the constitution is now in any degree preserved, is by the *irregular* influence of the crown and of the Peers in the House of Commons; and that if they are excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the Government become purely democratic.

To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean at the same time that the Commons are restored to their rights, that the Crown and the Peers should recover theirs. This answer has been ridiculed in my opinion with more wit, than solidity of argument. It has been represented as admitting that whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions; but that when it should really speak the voice of the people, then it would be right to revive the dormant powers of resisting it.

For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time; to do it generally, not partially, is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it as I would to any other prerogative of the crown, or privilege of the Lords, or people, that is not founded upon reason.

But I agree, that if the House of Commons was reduced to its natural dependence on the people alone, and the present system of making it the exclusive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic, any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established; I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands of the Crown to be carried on by its ministers: those ministers under the controul of Parliament; and Parliament under the controul of the people. I would not have Parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two houses are previously pledged by addresses, votes and resolutions, it be-
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comes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from Parliament's taking so much of the executive of government on itself, which is, the excessive length of the sessions; an evil which of late has greatly increased. Now that Parliament is engaged in every detail in order to screen the minister, it never can finish its business till the middle of the summer, when the independent country gentlemen, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependents of the minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances and pass such general laws as circumstances might require. The inconveniency and expence to a private Member of Parliament in attending his duty would then be trifling; and instead of forty commoners and three peers to form a quorum to decide the greatest matters of state, the attendance of two thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the legislature. These sentiments are I think consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, "to restore to the Crown its original splendor, to nobility its ancient privileges, and to the nation at large its inherent rights."

I believe I have now troubled you with all that is necessary concerning my plan. My bill will shew the detail as far as concerns the House of Commons and the election of Scotch Peers; the regulations for restoring to the Crown its executive and to the House of Lords its deliberative functions should be added to and form a part of this bill; but I have not as yet had time and leisure to prepare them.

In what I have said, I have shewn my opinion concerning the 1st, 3d, 4th, 6th, and 8th questions you have proposed to me. There remains the 2d, 5th and 7th to be considered.

In respect to the second, which I presume relates to the admission of Roman Catholics to vote at elections, I can only say, that the same principles which go to civil liberty equally lead to liberty of conscience: I admire with you the glorious spirit of toleration, which you say has united the once distracted inhabitants of Ireland into one indissoluble mass. And I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted as I am with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

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With regard to the 5th question, if voting by ballot is advisable? I am clearly of opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence? and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances in things like this tend greatly to form the national character: and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with its interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery and a school for lying and deceit.

As to the 7th question, whether it would not be equitable or expedient that boroughs now in the possession of individuals should be purchased by the nation? I think that although no man can have a strict claim in equity to be refunded the loss of what neither buyer nor seller had a right to barter, yet it will be wise to purchase the good-will, or at least to soften the resistance, of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear; but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

I have now answered all the questions you were pleased to propose; but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults: and even such regular and well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power, when once acquired, is generally endeavoured to be preserved by its possessors; but you, after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been, in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force totally unconnected with the civil government, cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigour evidently tend to make this and every extraordinary institution unnecessary; for, when the people are fairly and equally represented in Parliament, when they have annual opportunities of changing their deputies, and through them of controlling every abuse of government in a safe, easy, and legal

legal way, there can be no longer any reason for recurring to those ever dangerous though sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and a free government to your country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

Before I conclude, I beg leave to express a wish that the mutually essential connection between Great-Britain and Ireland may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles, that no friend to either kingdom can regret its loss: founded on constraint and dependence, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two islands to be incorporated and form one and the same kingdom, with the same legislature meeting sometimes in Ireland as well as in England. But if there are difficulties to such an union not to be got over at present, some sort of *fœderal union* at least between the two kingdoms seems necessary to ascertain the many circumstances that concern their joint interests; and an union of this sort may now be formed with much greater propriety than before, as it will be sanctified by the free consent of independent nations.

I do conceive that some steps of this sort is absolutely necessary, because the present footing, of separation rather than union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burdens of naval defence and foreign negotiations, and by far more than its proportion of the land service in time of war. But what is worse, is, that there is no certainty now left that we shall have the same enemies and the same friends: Different interests as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace; the same King, in his different kingdoms, may think it wise to follow the advice of his respective Parliaments. I need scarcely add, that the unavoidable consequences of such a difference are a *war* between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear that it will be for the advantage of liberty in either kingdom, that its Monarch should continue the sovereign of a neighbouring state with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great-Britain; but I am sure the business ought not to be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

I beg pardon for having gone into a subject not immediately belonging to that, upon which you have desired my opinion, but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion, I thought it best to give it fully, or at least as fully as I could in a letter. If it contains one thought that can be useful I shall be happy. I have only to assure the Committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct, that I have the honour to be

Their most obedient,

And most humble Servant,

RICHMOND, &c.

Ave. 15, 1783.

APPENDIX.

A P P E N D I X.

MR. PITT'S SPEECH

ON A

PARLIAMENTARY REFORM.

EXTRACTED FROM THE NEW ANNUAL REGISTER, FOR
THE YEAR 1782.

“FOR a considerable time past, public meetings had been occasionally holden, in various parts of the kingdom, in which the state of parliamentary representation was the subject of discussion, in which its inadequateness was strongly pointed out, and in which spirited resolutions were entered into relative to the necessity of a more equal representation of the people. Many meetings of this kind took place in the course of the year 1782, in the metropolis, and in different counties, cities, and towns of the kingdom. / On the first of February, at a common-hall of the livery of the city of London, at Guildhall, it was resolved, “ That the unequal representation of the people, the corrupt state of Parliament, and the perversion thereof, from its original institution, had been the principal causes of the unjust war with America, of the consequent dismemberment of the British Empire, and of every grievance of which the nation complained. That these grievances could never be removed, until the right of the people to their constitutional share in the English government shall be re-established, by a fair and equal representation in parliament, and a frequent election of their representatives, according to ancient usage. That a committee of the livery of London should be appointed, for the purpose of obtaining a restoration of these rights: and that the said committee shall take the most effectual methods for obtaining a more equal representation of the people in Parliament, and a frequent election of the representatives, according to ancient usage; and that, for these purposes, they should concur and correspond with other committees throughout the kingdom.” Similar resolutions were made at other meetings, and by other bodies; and, in particular, the committee of association for the county of York exerted themselves with much spirit and ability in the management of this business, and published several addresses to the public on this important subject.

“ These exertions of the people at length caused the matter to become in some degree an object of discussion in the house of commons.

commons. It was introduced into that assembly on the 7th of May, 1782, by Mr. William Pitt. That gentleman then observed, that the representation of the commons in parliament was a matter so truly interesting, that it had at all times excited the regard of men the most enlightened; and the defects which they had found in that representation, had given them reason to apprehend the most alarming consequences to the constitution.— That the frame of our constitution had undergone material alterations, by which the commons' house of Parliament had received an improper and dangerous bias, and by which, indeed, it had fallen so greatly from that direction and effect which it was intended, and ought to have in the constitution, he believed it would be idle for him to attempt to prove. It was a fact so plain and palpable, that every man's reason, if not his experience, must point it out to him. He had only to examine the quality and nature of that branch of the constitution, as originally established, and to compare it with its present state and condition. / That beautiful frame of government, which had made us the envy and admiration of mankind, in which the people were entitled to hold so distinguished a share, was so far dwindled and departed from its original purity, that the representatives ceased in a great degree to be connected with the people; it was the essence of the constitution that the people had a share in the government by the means of representation; and its excellency and permanency must result from this representation being equal, easy, practicable, and complete. When it ceased to be so; when the representative ceased to have connection with the constituent, and was either dependant on the crown, or the aristocracy; there was then a defect in the frame of representation, and it was not innovation, but recovery of constitution, to repair it.

Mr. Pitt further observed, that it was not now his intention to enter into any enquiry respecting the proper mode of reform, or to consider what would most completely tally and square with the original frame of the constitution. / All that he at present intended was, to move for the institution of a committee, to be composed of such men as the house should, in their wisdom, select, as the most proper and the best qualified for investigating this subject, and making a report to the house, of the best means of carrying into execution a moderate and substantial reform of the representation of the people. / But tho' he would not press any particular proposition upon the house, he still thought it his duty to state some facts and circumstances, which, in his opinion, made this object of reform essentially necessary. He believed, indeed, that there was no member of that house, who would not acknowledge, that the representation, as it now stood, was incomplete. It was perfectly understood, that there were some boroughs under the influence of the treasury, and others totally possessed by them. It was manifest, that such boroughs had no one quality of representation in them. They had no share nor concern in the general interest of the country, and they had in fact no stake for which to appoint their guardians in the popular assembly. The influence of the treasury in some boroughs was also contested, not by the
electors

electors of those boroughs, but by some one or other powerful man, who assumed or pretended to an hereditary property of what only ought to be the rights and privileges of the electors. The interests of the treasury were considered, as well as the interests of the great man, the lord, or the commoner, who had connections with the borough; but the interests of the people, the rights of the electors, were the only things that never were attended to, nor taken into the account. Would any man say, that in this case there was the most distant idea or principle of representation? There were other boroughs, which had now in fact no actual existence, but in the return of members to the house. They had no existence in property, in population, in trade, or in weight of any kind. There were hardly any men in such boroughs who had a right to vote; and they were the slaves and the subjects of persons who claimed the property of the boroughs, and who in fact made the returns. This also was no representation, nor any thing like it. Another set of boroughs and towns, claimed to themselves the right of bringing their votes to market. They had no other market, no other property, and no other stake in the country, than the property and price which they procured for their votes. Such boroughs were the most dangerous of all others. So far from consulting the interests of their country in the choice which they made, they held out their borough to the best purchaser; and in fact, some of them belonged more to the nabob of Arcot, than they did to the people of Great Britain. They were towns and boroughs more within the jurisdiction of the Carnatic, than the limits of the empire of Great Britain; and it was a fact pretty well known, and generally understood, that the nabob of Arcot had no less than seven or eight members in that house. Such boroughs were manifestly sources of corruption; they gave rise to an inundation of corrupt wealth, and corrupt members, by which no interest of the people of this country was promoted; and such boroughs ought to be abolished.

Mr. Pitt proceeded to remark, that there was no man in that house who had more reverence for the constitution, and more respect, even for its vestiges, than himself. *But he was afraid, that the reverence, and the enthusiasm which Englishmen entertained for the constitution, would, if not suddenly prevented, be the means of destroying it; for such was their enthusiasm, that they would not even remove its defects, for fear of touching its beauty.* He admired the one so much, so great was his reverence for the beauties of that constitution, that he wished to remove those defects, as he clearly perceived, that they were defects which altered the radical principles of the constitution; and therefore, it would not be innovation, but recovery of constitution, to remove them. That a reform of the present parliamentary representation was indispensably necessary, was the sentiment of some of the first and greatest characters in the kingdom; and he should also take the liberty to observe, that he well knew it to be the sentiment of his much honoured father, the late Earl of Chatham. His lordship was firmly of opinion, that a reform of the representation was absolutely requisite for the security of the liberties of the people

ple of this country. He concluded with moving, " That a committee should be appointed to enquire into the state of the representation in parliament, and to report to the house their observations thereon." The motion was seconded by Mr. Alderman Sawbridge.

Sir George Saville zealously supported the motion, and declared it to be his opinion, *that the house might as well call itself the representative of France as of the people of England*; for the measures of the late ministry had certainly received the sanction of that house, although they had as universally been reprobated by the country at large. He had a large tree, he said, growing some time since on his estate, which bore many green leaves on the trunk of it, and seemed to be in a flourishing state; but, on looking at the tree there appeared a hole or two, which he looked farther into, and, on close inspection, he found the tree was rotten within; the inside was mere touchwood. He had the rotten part dug out, and now the tree formed a commodious place, in which a dozen persons might dine with pleasure. He compared the present constitution to this tree; it appeared sound, but on an inspection it would be found like the tree, rotten at the heart. The nation was certainly in a very bad state, though a more equal parliamentary representation might contribute to remove some of the public evils."

The motion which was also supported by Mr. Fox, was lost, 161 to 141.

